

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

BILLY RAY MADDUX,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-12-445-D
)	
WARDEN UPTON,)	
)	
Respondent.)	


ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell, recommending the denial of Petitioner's motion to proceed *in forma pauperis* and the dismissal of this habeas action if Petitioner fails to pay the \$5.00 filing fee. Within the time period for objections, Petitioner has paid the full filing fee.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 5] is adopted to the extent that Petitioner's Application to Proceed Without Prepayment of Fees [Doc. No. 2] is DENIED.

IT IS FURTHER ORDERED that the case is re-referred to Judge Purcell for further proceedings consistent with the initial case referral.

IT IS SO ORDERED this 18th day of May, 2012.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE